

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TYLER ANTHONY VALDEZ,

Plaintiff,

-v-

8:21-CV-1243

RUTH WILLIAMSON and  
CITIZENS ADVOCATE,

Defendants.  
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APPEARANCES:

OF COUNSEL:

TYLER ANTHONY VALDEZ  
Plaintiff, Pro Se  
2091 County Route 38  
Norfolk, NY 13667

BARCLAY DAMON LLP  
Attorneys for Defendants  
80 State Street  
Albany, NY 12207

BENJAMIN WILKINSON, ESQ.

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On November 18, 2021, *pro se* plaintiff Tyler Valdez (“plaintiff”) filed this action alleging that defendants violated his rights under the Americans with Disabilities Act. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis* (“IFP application”). Dkt. No. 2.

On December 17, 2021, U.S. Magistrate Judge Daniel J. Stewart granted plaintiff's IFP application and advised by Report & Recommendation ("R&R") that the complaint be dismissed with leave to replead. Dkt. Nos. 6, 7.

Plaintiff has filed an objection, Dkt. No. 9, which has been fully briefed, Dkt. No. 10. Upon *de novo* review of plaintiff's objection, the R&R is accepted and will be adopted. See 28 U.S.C. § 636(b)(1)(C).

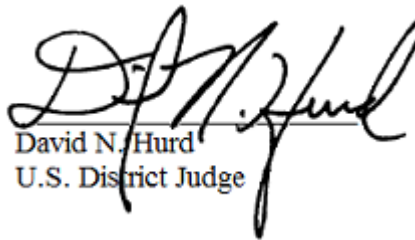
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED with leave to replead within 30 days from the date of this Order in accordance with the instructions set forth in Judge Stewart's Report & Recommendation; and
3. Failure to do so within the allotted time period shall result in the entry of a judgment of dismissal without further Order of this Court.

IT IS SO ORDERED.

Dated: January 6, 2022  
Utica, New York.

  
David N. Hurd  
U.S. District Judge